

# ***LUNENBURG PLANNING BOARD***

## ***TOWN OF LUNENBURG***

Emerick R. Bakaysa, Chair  
Joanna L. Bilotta-Simeone, Vice-Chair  
Thomas W. Bodkin, Jr., Clk.  
Robert J. Saiia, Mbr.  
Nathan J. Lockwood, Mbr.  
Marion M. Benson, Planning Director



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Minutes  
November 21, 2011

Meeting Posted: Yes  
Place: Town Hall, 17 Main Street, Lunenburg, MA 01462  
Time: 8:00 PM

Present: Emerick R. Bakaysa, Joanna L. Bilotta-Simeone, Thomas W. Bodkin Jr., Robert J. Saiia, Nathan J. Lockwood, Marion M. Benson

**MINUTES – APPROVAL:** Motion Ms. Bilotta-Simeone, approve 11-7-11 minutes, Second, Mr. Saiia, Motion passed, minutes approved.

### **PLANNING DIRECTOR'S REPORTS/NEW BUSINESS:**

**Special Town Meeting, 12-5-11-** See Public Hearing minutes this date.

**Horizon Christian Fellowship, 2005 Mass Ave-** See Public Hearing minutes this date.

**Mass PV1, LLC, 651 Chase Road-Solar Farm-** Mr. Bakaysa to confer with Town Manager November 22<sup>nd</sup> following conference call with Town Counsel, Planning Director, and Zoning Official this date regarding zoning. Mr. Bakaysa noted to audience that any questions regarding the site should be directed to the Town Manager. Attorney Scott Fenton, Bowditch & Dewey, representing the Applicant noted that the Applicant meets, or exceeds, the requirements of the zoning bylaws, that the Plan was submitted over 45 days ago, which, under the bylaws is constructive approval; therefore, he is recommending to his client that he go to the Planning Board tomorrow for approval. Mr. Bakaysa responded that he is awaiting response from Town Counsel; anticipating that Counsel will indicate the use is allowed by right and Applicant will be allowed to move forward with the project. Ms. Bilotta-Simeone noted that one of the issues is that the majority of the site is zoned residential. Mr. Bodkin Jr. wanted the residents to be aware that the Planning Board does not have discretion on this matter; that MGL c. 40A, Section 3, prohibits cities and towns from prohibiting such use subject only to site plan review. The Town's Solar Bylaw is broad and does not designate specific sections of Town for solar farms.

Mr. Whalen, 526 West Townsend Road- inquired as to what was the allowable bylaw permitting the solar farm. His interpretation of c. 40A is that it does not allow the Applicant as-of-right zoning. Neither does the Town Zoning Bylaw state as-of-right. He spoke with Kelly Brown, Regional Coordinator for the Green Communities Program Division of MA Department of Energy Resources (DOER). Ms. Brown stated that communities have rights and do not have to blindly accept solar farms. Mr. Whalen felt that it violated the zoning. Both Mr. Bodkin Jr. and Ms. Bilotta-Simeone noted to Mr. Whalen that if the Building Official did not issue a building permit to the Applicant, the Applicant could appeal to the Zoning Board of Appeals, who could either uphold or rescind the Building Official's decision.

Paula Bertram (Select Board member, but speaking as a private citizen), 312 Townsend Harbor Road- Believes solar farms are not allowed under the Town's Zoning Bylaw. The Zoning Bylaw does not allow a commercial or industrial use in a residential area. The project does not comply with the underlying zoning of the area.

**Stone Farm-** Town Counsel has responded that the developer's requested revisions to the condominium documents are allowable under Massachusetts law.

**Summer Street-** The office received a copy of the presentation given by Vanasse Hangen Brustlin, Inc. on November 15<sup>th</sup> regarding transportation improvements. Board members attended presentation.

**Green Community Task Force-** Informational Meeting held November 17<sup>th</sup> with a representative from the State to discuss the Stretch Code and how it applies to builders and homeowners.

**MEETING SCHEDULE:**

**December-** 12-12-11, Planning Board meeting, Town Hall.

**OFFICE- Massachusetts Municipal Association (MMA)-** Tabled

**ADJOURNMENT:** Motion, Mr. Bodkin Jr., Second, Ms. Bilotta-Simeone, all aye. Adjourned 8:30 PM.